

IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS

ROSIE MARY WILLIAMS-
ROGERS, Individually and as
Personal Representative of the
Estate of EDDIE LEE WINSTON,
Deceased; HERMAN LEE
WINSTON; EUNICE NITA
NELSON; and BERNICE LOFTON
WINSTON, et ux,

Plaintiffs,

vs.

CIVIL ACTION NO.

4:09-cv-02091

BUFFALO PUMPS, INC.;

ELLIOTT COMPANY (a/k/a
ELLIOTT TURBOMACHINERY
COMPANY and ELLIOTT
TURBOMACHINERY COMPANY,
INC.);

FOSTER WHEELER ENERGY
CORPORATION;

GENERAL ELECTRIC COMPANY;

GOULDS PUMPS
INCORPORATED;

IMO INDUSTRIES, INC.
(Individually and as successor-
in-interest to DeLaval Turbine,
Inc.);

INGALLS SHIPBUILDING, INC.;

LESLIE CONTROLS, INC.;
LITTON INDUSTRIES, INC.;
NORTHROP GRUMMAN
CORPORATION;
VIACOM, INC. (Individually and
as successor-by-merger to CBS
CORPORATION f/k/a
WESTINGHOUSE ELECTRIC
CORPORATION);
WARREN PUMPS, LLC;
YARWAY CORPORATION;

Defendants.

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL AS TO ALL
DEFENDANTS**

ROSIE MARY WILLIAMS-ROGERS, Individually and as Personal Representative of the Estate of EDDIE LEE WINSTON, Deceased; HERMAN LEE WINSTON; EUNICE NITA NELSON; and BERNICE LOFTON WINSTON, et ux., hereinafter collectively referred to as "Plaintiffs" hereby files this Plaintiffs' Notice of Voluntary Dismissal as to All Defendants, under Federal Rules of Civil Procedure (hereinafter referred to as "FRCP") 41, and would show the Court as follows:

1. Plaintiffs Complaint was filed on July 1, 2009.
2. As of the date of Plaintiffs' Notice of Voluntary Dismissal as to All Defendants, no defendants have been served with process regarding Plaintiffs' Original Complaint.

3. As of the date of Plaintiffs' Notice of Voluntary Dismissal as to All Defendants, no defendants have served an Answer or have filed a motion for summary judgment. See FRCP 41(a)(1)(A)(I).
4. Plaintiffs file this Plaintiffs' Notice of Voluntary Dismissal as to All Defendants with the intention of dismissing the case under FRCP 41(a)(1)(A)(I) without prejudice to the refiling of same.
5. Accordingly, by virtue of Plaintiffs' Notice of Voluntary Dismissal as to All Defendants and pursuant to FRCP 41(a)(1)(A)(I), the following defendants are dismissed from Plaintiffs' Complaint:

BUFFALO PUMPS, INC.;
ELLIOTT COMPANY (a/k/a ELLIOTT TURBOMACHINERY
COMPANY and ELLIOTT TURBOMACHINERY
COMPANY, INC.);
FOSTER WHEELER ENERGY CORPORATION;
GENERAL ELECTRIC COMPANY;
GOULDS PUMPS INCORPORATED;
IMO INDUSTRIES, INC. (Individually and as successor-
in-interest to DeLaval Turbine, Inc.);
INGALLS SHIPBUILDING, INC.;
LESLIE CONTROLS, INC.;
LITTON INDUSTRIES, INC.;
NORTHROP GRUMMAN CORPORATION;

**VIACOM, INC. (Individually and as successor-by-merger
to CBS CORPORATION f/k/a WESTINGHOUSE
ELECTRIC CORPORATION);
WARREN PUMPS, LLC;
YARWAY CORPORATION;**

As such, all defendants originally sued in Plaintiffs' Original Complaint are hereby dismissed without prejudice.

Respectfully submitted,



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